

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA

v.

Magistrate No. 5:10-0041

CRYSTAL L. MEADOWS

ORDER

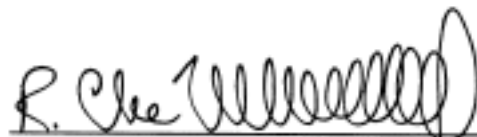
On August 10, 2010, the parties convened in this matter with the United States represented by Assistant United States Attorney John File and Defendant, present and in custody¹ and represented by Assistant Federal Public Defender Edward Weis, with Defendant charged in Violation Notice #1691893 with possession of cocaine, in Violation Notice #1691894 with possession of oxycodone, and in Violation Notice #1691895 with driving on a suspended license within the New River Gorge National River. Defendant indicated that she wished to plead guilty to the charges contained in Violation Notice #1691893. The parties jointly proposed that upon her plea of guilty to the charge contained in Violation Notice #1691893, the Court sentence Defendant to six months probation during which she would be committed to a drug rehabilitation facility and successfully complete a drug rehabilitation program, a \$10 special assessment and a \$25 processing fee. The Court proceeded with a plea hearing during which Defendant basically admitted to possessing cocaine as stated in the Statement of Probable Cause in Violation Notice #1691893

¹ Defendant was in custody pursuant to a Warrant issued for her arrest on July 8, 2010 (Document No. 13.), based upon allegations in a Petition for Action on Conditions of Pretrial Release (Document No. 12.) that (1) Defendant was charged on July 3, 2010, with simple possession of a controlled substance in Summers County, West Virginia, pled no contest and was ordered to pay a fine and court costs; (2) Defendant tested positive for cocaine on June 1, 2010, and admitted using suboxone without a prescription on July 1, 2010; and Defendant did not comply with the requirement that she notify her supervising probation officer respecting her admission in a drug rehabilitation program.

though she stated that the Statement of Probable Cause was incorrect in stating that she “admitted that she had just ‘shot up’ cocaine” and had one gram of powdered cocaine in her possession. Defendant stated that she had not used the cocaine which she had yet and that she had a half gram of powdered cocaine in her possession. The Court ordered the Statement of Probable Cause modified in these respects. Finding that Defendant admitted to possessing cocaine while within the New River Gorge National River, the Court found Plaintiff guilty of the charge. The Court dismissed Violation Notice #1691894 and Violation Notice #1691895. As the Court was considering sentencing Defendant, Defendant called her mother to testify proposing that the Court release her to live with her mother at her mother’s home. Defendant’s mother, a Licensed Practical Nurse, testified that Defendant had lived with her for two or three weeks before the hearing, got along well with her siblings and performed child care for a relative nearby. Defendant’s mother stated that she was not aware that Defendant used drugs while she was there. The Court required that Defendant submit to a drug test, and Defendant tested positive for cocaine and oxycodone. The Court remanded Defendant to the custody of the United States Marshals Service. Counsel for the United States indicated, after the testimony of Defendant’s mother, that the Court had pronounced Defendant’s sentence, but, having listened to the proceeding as it was recorded, the Court finds that it did not pronounce Defendant’s sentence. It is therefore hereby **ORDERED** that a sentencing hearing is scheduled in this matter on **August 17, 2010, at 11:00 a.m., in Beckley.**

The Clerk is directed to transmit a copy of this Order to the Defendant, counsel of record, Officer Jamie Keach, National Park Service (VS60), the United States Marshals Service, and the Office of Probation.

ENTER: August 12, 2010.

A handwritten signature in black ink, appearing to read "R. Clarke VanDervort", written over a horizontal line.

R. Clarke VanDervort
United States Magistrate Judge